

November 17, 2023

Via ECF

Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: SEC v. Xia et al., No. 21-cv-05350-PKC-RER – Request for Oral Argument

Dear Judge Chen:

We represent Defendant Richard Xia in the above-captioned matter. On November 3, 2023, the Court directed the parties “to file supplemental briefs regarding the impact, if any, of the Second Circuit’s decision in *Govil* on this action--including any impact on the parties’ settlement discussions in this matter and Plaintiff’s pending . . . Motion to Appoint Receiver--on or before **November 17, 2023**.” As explained more fully in the supplemental brief filed today on behalf of Mr. Xia, along with the update on settlement negotiations filed under seal with the Court, *Govil* substantially affects this action.

In addition to the supplemental briefing, we believe oral argument regarding the issues raised in the briefs would aid the Court in the decisional process. Accordingly, pursuant to Rule 3(E) of your Honor’s Individual Practices and Rules, Mr. Xia respectfully requests the opportunity to present oral argument regarding the supplemental briefing requested by the Court and filed today.

We appreciate the Court’s consideration of Mr. Xia’s request for oral argument.

Respectfully submitted,



Matthew A. Ford